

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID KING and RHONDA KING,  
husband and wife,

Plaintiffs,

v.

KALAMA SCHOOL DISTRICT NO. 402,

Defendant.

Case No. C05-5675 RBL

ORDER

THIS MATTER comes on before the above-entitled Court sua sponte.

Having considered the entirety of the records and file herein, the Court rules as follows:

As part of the Defendant's Opposition to Plaintiffs' Motion to Remand [Dkt. #17], the Kalama School District sought Fed. R. Civ. P. 11 sanctions arguing that the motion was not "warranted by existing law or by a non-frivolous argument for the extension, modification or reversal of existing law or the establishment of new law." Id., Def.'s Oppo. at p. 3. Defendant also sought to strike portions of plaintiffs' counsel's affidavit in support of the motion. In the Order denying the motion to remand [Dkt. #22] this Court did not address the motions for sanctions or to strike. Although defendant's removal to this Court was proper and plaintiffs'

1 motion to remand was appropriately denied, this Court cannot say that the motion was frivolous and therefore  
2 declines to award sanctions. The motion to strike is also denied.

3 **IT IS SO ORDERED.**

4 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing  
5 pro se.

6 Dated this 4<sup>th</sup> day of January, 2006.

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8   
9 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE